

## CHAPTER XLVIII.

*An Act conferring the Powers of a Court Commissioner upon Judges of Probate, and prescribing their duties and fees.*

SECTION 1. Judges of Probate empowered to act as Court Commissioners—Fees for the duties performed.

1. Record Books to be procured at the expense of the County.
3. Judge of Probate to keep his office at County Seat—County to provide suitable office.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The Judge of Probate in each organized county, to the capacity of whom the District Judge of the county, <sup>Judges of probate</sup> shall have certified upon due examination of said District <sup>to not as court</sup> Judge, shall act as a Court Commissioner, and shall have <sup>commissioners—</sup> their powers and may exercise the power of a Judge of the District Court at chambers, and administer oaths, take the acknowledgment of deeds, and other instruments in writing, allow writs of certiorari and injunction and of habeas corpus, may order and determine upon the amount and sufficiency of bail; he may take all such testimony and depositions of witnesses to be used in cases at law as may be provided for by rule or order of the District Court; he may state accounts between parties in cases referred to him by order of the District Court, and tax costs, and shall be entitled to receive compensation therefor, according to the provisions following in this section. For taking bail, one dollar; deciding upon an application for a writ of habeas corpus, or certiorari, one dollar, whether such writ be allowed or not; every attendance upon the hearing of any motion for any order, which such officer is authorized to grant, one dollar, and the like fee for attendance upon any motion for any official act to be done by such officer, where no fee is specially provided for such act. Every order for a commission to examine witnesses, fifty cents; attending, settling, certifying interrogatories, to be annexed to a commission, one dollar; every <sup>Fees to be charged</sup> order for the examination of a witness conditionally or upon any proceedings to perpetuate his testimony, fifty cents; every day's attendance on the examination of such witness, five dollars; every necessary order in the progress of a cause, except orders to stay proceedings, fifty cents; taking a bond or recognizance, when the same is required or authorized by law, one dollar; for deciding on the sufficiency of sureties, and certifying such sufficiency in cases when it

**Fees to be charged** shall appear, one dollar; for every precept for a jury, summons for a witness, or attachment against a witness, fifty cents; for every order, warrant, or attachment, made or issued in any special proceedings authorized by law, fifty cents; for every notice to any party, officer or person required to be given by any such officer, fifty cents; for every report and all other papers and proceedings which he may be required by law to prepare, in order to be signed by himself, in cases where no specific allowance shall have been made for such paper and proceedings, for drafting the same and copying, ten cents for each folio; hearing and deciding on the return of a writ of habeas corpus, three dollars; for administering oaths, the same fees as are allowed other officers for the same; for taking the acknowledgment of deeds and other instruments, the same fees as are allowed by law to notaries public and others; taking a surrender of principal in a cause, fifty cents; for a commitment of such principal, fifty cents; allowing a writ of habeas corpus or certiorari, one dollar; for pursuing a bill or petition for an injunction (or *ne exeat*) and allowing or refusing writ, two dollars.

**Record books of proceedings**

SEC. 2. The Judge of Probate shall procure suitable books, at the expense of the county, and keep a record of all proceedings before him in his capacity of Court Commissioner.

**Office to be at county seat**

SEC. 3. The Judge of Probate shall keep his office at the county seat of his county, and the county commissioners shall provide him with a suitable and convenient office at the expense of the county.

GEORGE BRADLEY,  
Speaker of the House of Representatives.  
WILLIAM HOLCOMBE,  
President of the Senate.

APPROVED—August fourth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }  
August 4, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.